THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

–

WRIT PETITION No : 17563 of 2005

Dated: 09-08-2005

Between:

Gajjela Venkatarao, S/o.Gajjela Veeraswamy,

Aged 50 years, R/o. Yetapaka Village,

Bhadrachalam Mandal, Khammam District and others.

Petitioners…

And

The Mandal Revenue Officer,

Bhadrahcalam Mandal, Khammam District

And another.

Respondents…

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the 2nd respondent – Commissioner and Director of Settlements, Survey Buildings, in not disposing the appeal filed under Section 9(3) of the A.P. (Scheduled Areas) Ryotwari Settlement Regulation 1970 (for short 'Regulation 2/1970') on 04-05-2005 as against the orders of the Settlement Officer in Case No.5242, dated 04-11-1977, which were not at all communicated to the petitioners at any point of time as highly illegal and arbitrary and for a consequential direction to the

2nd respondent to dispose of the appeal, in accordance with law.

The case of the petitioner is that an extent of 2-02 hectares of land (Estate land) in Survey No.181 situated at Yetapaka village of Bhadrachalam Mandal was acquired by their grand father prior to 1940 and after his death their father succeeded to the property who also died in the year 2000. It is stated that, a *suo moto* enquiry was conducted under Section 9 of the Regulation 2/1970 for grant of Ryotwari Patta and the said enquiry proceedings in Case No.5242, dated 04-11-1977, were neither communicated to them at any point of time nor his father during his lifetime. It is stated that they came to know about the proceedings, dated
04-11-1977, only in the first week of March, 2005 when the Village Panchayat Secretary of Yetapaka Gram Panchayat informed them about disallowing the patta in their favour in respect of the property in question and immediately they obtained a copy of the proceedings, dated 04-11-1977, on 10-03-2005, and filed statutory appeal as per the rules, before the 2nd respondent on 04-05-2005. It is further stated that the officials of the 1st respondent came to the property in question on 05-08-2005 in connection with laying of foundation stone for construction of Housing Colony in the property in question on 10-08-2005 and accordingly they are taking steps. The petitioners contend that the property in question is their ancestral property and they are in continuous possession and enjoyment of the same from more than 60 years and the proceedings, dated 04-11-1977, are not in their knowledge till March, 2005 and immediately after coming to know about the proceedings, they filed statutory appeal on 04-05-2005 before the 2nd respondent and pending the same, they cannot be evicted from the property in question.

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Revenue.

A bare perusal of the material available on record discloses that the petitioners filed statutory appeal before the 2nd respondent under Section 9(3) of the A.P. (Scheduled Areas) Ryotwari Settlement Regulation 1970 as against the orders of the Settlement Officer, Venkatapuram Unit in Case No.5242, dated 04-11-1997.

Having regard to the facts and circumstances of the case,
I deem it appropriate to dispose of the writ petition with a direction to the 2nd

respondent to dispose of the appeal preferred by the petitioners on 04-05-2005, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order after affording a reasonable opportunity of being heard to the petitioners, in accordance with law. In the meanwhile, the parties are directed to maintain *status quo* existing as on today.

The Writ Petition is accordingly disposed of without any order as to costs.

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ELIPE DHARMA RAO, J

Date:09-08-2005

NOTE:

Furnish C.C. of the order by wire at party's costs.

(**B/O**)

LSK